



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

News Media Information: (202) 418-0500
Fax-On-Demand: (202) 418-2830
Internet: <http://www.fcc.gov>
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DA 02- 2283
September 13, 2002

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR POSTPONEMENT OF 1670-1675 MHz BAND AUCTION

Comment Sought on the ArrayComm, Inc. Request for Postponement of Auction No. 46

COMMENT DATE: September 20, 2002

On October 30, 2002, the Federal Communications Commission is scheduled to hold an auction of one license in the 1670-1675 MHz band (Auction No. 46). The deadline for submission of short-form applications (FCC Form 175) to bid in Auction No. 46 is currently September 25, 2002 at 6:00 p.m. ET.

In a letter to the Wireless Telecommunications Bureau dated September 13, 2002, ArrayComm, Inc. (ArrayComm) requests a six-month postponement of Auction No. 46. ArrayComm contends that a postponement is needed because circumstances in the financial markets have made it difficult for telecommunications companies to raise the capital necessary to participate in the auction. ArrayComm asserts that a postponement of Auction No. 46 until April 30, 2003, will enable many companies that seek to compete for the 1670-1675 MHz license to alleviate their capital shortage prior to the auction, thereby ensuring maximum participation in the auction.

Because of the impending September 25, 2002 deadline for the submission of short-form applications, the Bureau seeks comment on ArrayComm's request on an expedited basis. Interested parties may file comments on or before September 20, 2002.

All comments should reference ArrayComm's request for postponement and include the DA number of this *Public Notice* (DA 02-2283). Comments should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, TW-A325, Washington, DC 20554. The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, DC 20554. All filings

must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Comments should also be sent by electronic mail to the following address: auction46@fcc.gov. The electronic mail containing the comments must include a subject or caption referring to Auction No. 46 Comments. The Bureau requests that parties format any attachments to electronic mail as Adobe® Acrobat® (pdf) or Microsoft® Word documents. Comments should also be sent to the Commission's duplicating contractor, Qualex International (Qualex), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, by facsimile (202) 863-2898, or via e-mail at qualexint@aol.com.

Copies of comments will be available for public inspection during regular business hours in the FCC Public Reference Room, Room CY-A257, 445 12th Street, SW, Washington, DC 20554. Copies may also be obtained from Qualex.

The ArrayComm waiver request is available for public inspection and copying in the Reference Center, Room CY A257, 445 12th St., SW, Washington, DC 20554. Copies of the waiver request are also available from Qualex.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. 47 C.F.R. §§ 1.1200(a), 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

For further information, contact Francis Gutierrez of the Legal Branch of the Auctions and Industry Analysis Division of the Wireless Telecommunications Bureau at (202) 418-0660.

By the Chief, Wireless Telecommunications Bureau.

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